

In the United States Court of Federal Claims

No. 19-169L
(Filed: 20 September 2019)

CHARLES J. PATERNOSTRO,

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Plaintiffs,

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v.

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THE UNITED STATES,

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Defendant

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ORDER

On 30 January 2019, plaintiff, proceeding *pro se*, filed his Complaint with this Court. On 10 June 2019, defendant filed its Motion to Dismiss pursuant to 12(b)(1) and 12(b)(6) of the Rules of the Court of Federal Claims ("RCFC"). Plaintiff failed to respond to defendant's Motion to Dismiss, which was due by 5 August 2019. On 22 August 2019, the Court gave plaintiff "an additional 28 days to file its Response to defendant's Motion to Dismiss." Order, ECF 12. In that Order, the Court required: "plaintiff to respond to defendant's Motion to Dismiss on or before 19 September 2019. If plaintiff fails to respond by this date, the Court will have no choice but to dismiss plaintiff's Complaint for failure to prosecute pursuant to RCFC 41(b)." *Id.*

As of today, 20 September 2019, the Court has not received plaintiff's Response to defendant's Motion to Dismiss. As such, the Court has no choice but to **DISMISS** plaintiff's case without prejudice for failure to prosecute, pursuant to RCFC 41(b). The Clerk is hereby directed to enter judgment consistent with this Order.

IT IS SO ORDERED.



RYAN T. HOLTE
Judge